

**NURSING HOME ADMINISTRATORS EXAMINING BOARD
MINUTES
MADISON, WISCONSIN
August 19, 1999**

PRESENT: Karen Robinson, Shirley Keller, Nancy Harper, Patricia Schulz, Jerry Schallock, Tony Oberbrunner, Robert Mulder; Omar Barberena (arrived at 9:53)

ABSENT: Rhoda Arzoomanian

STAFF PRESENT: Secretary Cummings, for a portion of the meeting; Cletus Hansen, Becky Fry; Ruby Jefferson-Moore, Legal Counsel; other department staff were present for portions of the meeting

GUESTS: None

CALL TO ORDER

The meeting was called to order at 9:30 a.m. by Karen Robinson, Chair. A quorum of eight members was present.

AGENDA

Clete Hansen suggested adding the Mid-Year Conference to the agenda under Board Member Activity item #9.

By consensus of the Board, the agenda was adopted as amended.

MINUTES (6/17/99)

MOTION: Nancy Harper moved, seconded by Shirley Keller, to approve the minutes, as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

Secretary Cummings' Report

Secretary Cummings questioned whether there are enough nursing homes to accommodate future needs. The Board discussed the concern of nursing homes shutting down parts of their buildings, which may cause a bed deficit in the future.

Secretary Cummings discussed professions becoming diversified and cross training. She stated that the nursing profession is starting a nurses compact where registered nurses from two states, both a part of the compact, will be able to use one state's license to enter into the other state to work. She informed the Board that this type of situation helps to alleviate shortages in the profession.

Secretary Cummings congratulated the Board on the administrative rule. She stated that she will support the Board's proposal on the standards for Nursing Home Administrators, but she would like the Board to consider providing a transition period for the additional educational requirements. She proposed a second option to the Board, for nursing home administrator requirements in the event legislators question the proposed requirements.

Secretary Cummings and the Board discussed the Department of Regulation and Licensing (DRL) statutes and the Department of Health and Family Services (DHFS) statutes regarding provisional licensing and authorizing waivers for nursing home administrators. Ruby Jefferson-Moore referred to statutory provisions stating the Board and DRL work together in reference to provisional licensing of nursing home administrators.

Bureau Director's Report

- **Board Roster**

The Board received an updated roster. Minor changes or corrections were noted.

- **Meeting Dates**

The Board received a copy of the Nursing Home Administrators Examining Board 2000 meeting dates and discussed the possibility of conducting the December meetings for 1999 and 2000 by teleconference. It was decided to hold the December meetings as printed, weather permitting.

MOTION: Jerry Schallock moved, seconded by Patricia Schulz to approve the 2000 meeting dates as written. Motion carried unanimously.

- **To-Pass Folder**

Information was circulated in the To-Pass Folder and duly noted.

- **Travel Agency**

Clete Hansen informed the Board of a new travel agency handling air travel and indicated Roxanne Peterson should be contacted if Board members needed travel reservations.

LEGISLATIVE UPDATE

LRB-0740/1dn Relating to Requirements that Apply to a Person Taking the Examination for a Nursing Home Administrator License

Clete Hansen referred to the memo that was sent to Tom Moore, Executive Director of the Wisconsin Health Care Association, dated August 11, 1999.

Karen Robinson indicated that meetings need to be set up with key legislators to explain why the bill is important and to ask for their support. Robert Mulder, Jerry Schallock and Patricia Schulz will check their availability to attend with Karen Robinson and Clete Hansen.

- **Survey of Licensees Who Had Taken the UW Extension Audiotape Program**

The Board received and reviewed the results of the survey in the agenda packet. Noted.

Caregiver Background Checks

Information was included in the agenda packet. Noted.

ADMINISTRATIVE RULES UPDATE

10:00 A.M. PUBLIC HEARING: Proposed Rules Relating to Experience and Reciprocity

A hearing was held regarding the proposed administrative rules relating to experience and reciprocity.

There were no public appearances to present testimony or written comments in support of or opposition to the rule.

Written comments will be considered until September 2, 1999.

MOTION: Shirley Keller moved, seconded by Robert Mulder, to adopt the recommendation of the Rules Clearinghouse, correcting the newly created language of NHA s. 4.01(1)(c) Stats. to read "If the applicant has not completed a regular course of study, submit". Motion carried unanimously.

Interpretation of s. 456.10(1)(d), Stats.

The Rules Committee, consisting of Karen Robinson, Nancy Harper, Jerry Schallock, met at 8:00 a.m. to propose recommendations to the Board relating to the interpretation of s. 456.10 (1)(d) Stats.

Jerry Schallock explained the recommendations of the Rules Committee. The Board requested to see the minutes and motions from the Rules Committee meeting prior to further discussion.

Further discussion was deferred to the next Board meeting.

The Board discussed sub-standard quality of care referrals and the responsibility of the nursing home administrator for the actions of other employees of the nursing home.

UPDATE REGARDING HEALTH CARE FRAUD AND ABUSE DATA COLLECTION

Ruby Jefferson-Moore distributed a formal actions report to the Board and explained the reporting requirements for adverse actions.

EXAMINATION ISSUES

Status of Computer Administered State Examination

Darwin Tichenor presented a memo, dated August 2, 1999, from Michael O. Kittleson regarding the change to the administration of the state nursing home administrator test from a pencil-and-paper test to a computer-administered test in January of 2000. Mr. Tichenor explained the pros and cons and gave an overview of the purpose of the computer-administered state nursing home administrator test.

MOTION: Jerry Schallock moved, seconded by Patricia Schulz, to proceed with the implementation of the computer-administered state nursing home administrator test in January of 2000. Motion carried unanimously.

Status of HFS 132 Revisions

Darwin Tichenor reviewed the status of HFS 132 revisions. He explained that the earliest possible implementation is May of 2000.

BOARD MEMBER ACTIVITY

Annual Meeting of NAB in June, 1999

Karen Robinson indicated no one was able to attend the June, 1999 NAB meeting. The dates for the National Association of Boards of Examiners of Long Term Care Administrators (NAB) mid-year meeting is November 3-5, 1999 in Scottsdale, Arizona. The Board discussed the role of the representative attending the meeting including attending workshops and voting representing Wisconsin.

MOTION: Jerry Schallock moved, seconded by Shirley Keller, to authorize and allow Karen Robinson, Patricia Schulz, or Robert Mulder, to attend and vote at the NAB meeting November 3-5, 1999. Motion carried unanimously.

PROVISIONAL LICENSES

The Board discussed the July 2, 1999, letter written by Clete Hansen to Rita Prigione, and the July 14, 1999, reply from Jan Eakins, Chief Provider Regulation & Quality Improvement Section of the Bureau of Quality Assurance.

The Board indicated concern with an acting administrator being granted an extension of the provisional license beyond the 120-day limit. They also questioned whether the Department of Health and Family Services contacts staff of the Department of Regulation and Licensing to verify the licensure status of these individuals. Judy Mender indicated that she is not aware that this notification occurs.

The Board discussed the definition of provisional license and the problems that occur because the department has no jurisdiction over individuals that are covered by a provisional license.

MISCELLANEOUS CORRESPONDENCE/INFORMATION

Endorsement/Reciprocity Licensure Questionnaire

The Board discussed the licensing verification form sent by NAB and felt the form was redundant. The department provides information to other states in the form of a standardized verification form for individuals licensed in Wisconsin who are requesting licensure in another state.

NEW BUSINESS

Nothing to report.

RECESS TO CLOSED SESSION

MOTION: Shirley Keller moved, seconded by Patricia Schulz, to convene the meeting in Closed Session pursuant to sections 19.85(1)(a), (b), and (f), Wis. Stats.: to consider the licensing or discipline of a person licensed by this Board or the investigation of charges against such a person. Specifically, to discuss monitoring reports, case status reports, case closings, stipulations, deliberations on stipulations that may be signed after printing of the agenda, deliberations on proposed disciplinary matters that may be signed after printing of the agenda, pending applications, examination issues, and disciplinary proceedings. Motion carried by a roll call vote: Patricia Schulz-yes; Jerry Schallock-yes; Robert Mulder-yes; Nancy Harper-yes, Shirley Keller-yes; Omar Barberena-yes; Karen Robinson-yes. Motion carried unanimously.

Open Session recessed at 11:48 p.m.

The Board received a copy of the Case Status Report.

The Board deliberated on issues related to case closings, pending applications and exam issues as provided by Darwin Tichenor.

RECONVENE IN OPEN SESSION

MOTION: Shirley Keller moved, seconded by Patricia Schulz, to reconvene in Open Session at 12:27 p.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

CASE CLOSINGS

MOTION: Patricia Schulz moved, seconded by Jerry Schallock, to close 99 NHA 014, Sheila Gibbs, for no violation. Motion carried unanimously.

PENDING APPLICATIONS

MOTION: Shirley Keller moved, seconded by Omar Barberena, to require Stacy M. Nies to retake the state examination for renewal of licensure. Motion carried unanimously.

OTHER ITEMS AS AUTHORIZED BY LAW

None.

ADJOURNMENT

MOTION: Nancy Harper moved, seconded by Patricia Schulz, to adjourn the meeting at 12:32 p.m. Motion carried unanimously.